

**TEXAS COMMISSION ON
FIRE PROTECTION**

**ANNUAL REPORT OF
NONFINANCIAL DATA**

For The Year Ended August 31, 2014

**Tim Rutland
EXECUTIVE DIRECTOR**

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December 19, 2014

Honorable Rick Perry, Governor
Ursula Parks, Director, Legislative Budget Board
John Keel, CPA, State Auditor

Dear Lady and Gentlemen:

We are pleased to submit the Annual Report of Nonfinancial Data of the Texas Commission on Fire Protection for the year ended August 31, 2014, in compliance with TEX. GOVT CODE ANN. Sec. 2101.0115 and in accordance with the instructions for completing the Annual Report of Nonfinancial Data.

The accompanying report has not been audited and is considered to be independent of the agency's Annual Financial Report.

If you have any questions, please contact Lisa Gonzalez at 512-936-3842.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Rutland', with a long horizontal stroke extending to the right.

Tim Rutland
Executive Director

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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 1
APPROPRIATION ITEM TRANSFERS *
For the Fiscal Year Ended August 31, 2014

ITEMS OF APPROPRIATION

	<u>Transfers In</u>	<u>Transfers Out</u>	<u>Net Transfers</u>
A. Goal: Education & Assistance			
Strategies:			
AY13 Fund 0001			
A.1.1. 13008 Fire Safety & Education	\$ 6,324.87	\$ (15,000.00)	\$ (8,675.13)
A.2.1. 13010 Adm Grant Fund	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Goal A: Education & Assistance	<u>6,324.87</u>	<u>(15,000.00)</u>	<u>(8,675.13)</u>
B. Goal: Fire Department Standards			
Strategies:			
AY13 Fund 0001			
B.1.1. 13014 Certify & Regulate Fire Svc	<u>15,445.13</u>	<u>(131,220.00)</u>	<u>(115,774.87)</u>
Total Goal B: Fire Department Standards	<u>15,445.13</u>	<u>(131,220.00)</u>	<u>(115,774.87)</u>
C. Goal: Protect Indirect Administration			
Strategies:			
AY13 Fund 0001			
C.1.1. 13800 Indirect Administration	<u>124,450.00</u>	<u>0.00</u>	<u>124,450.00</u>
Total Goal C: Indirect Administration	<u>124,450.00</u>	<u>0.00</u>	<u>124,450.00</u>
Net Appropriation Item Transfers	<u>\$ 146,220.00</u>	<u>\$ (146,220.00)</u>	<u>\$ 0.00</u>


*There were no other transfers other than benefit replacement pay, salary increase, budget reduction or rider transfers.

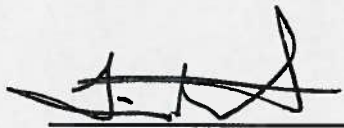
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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 2
HUB STRATEGIC PLAN PROGRESS REPORT
For the Fiscal Year Ended August 31, 2014

(Source: Texas Government Code, Title 10, Subtitle D, Section 2161.124)

Goal = Strategic Plan HUB Goal <u>Actual = % Spent with HUBS from HUB Report</u>	<u>ACTUAL FOR FY '13</u>	<u>ACTUAL FOR FY '14</u>	<u>GOAL FOR FY '15</u>
Heavy Construction other than building contracts	n/a	n/a	11.2%
Building Construction, including general contractors and operative builders contracts	n/a	n/a	21.1%
Special Trade construction contracts	n/a	n/a	32.7%
Professional Service Contracts	100.0%	100.0%	23.6%
Other Services Contracts	3.0%	0.0%	24.6%
Commodities Contracts	17.2%	42.4%	21.0%

Prepared By: 
Printed Name: Lisa Gonzalez
Phone Number: (512) 936-3842

Approved: 
Printed Name: Tim Rutland

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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 3
INDIRECT COSTS
For the Fiscal Year Ended August 31, 2014

a. Payroll Related Costs (does not include amounts paid from appropriated funds)			
	FICA Employer Matching Contribution	\$ 122,127.37	
	Group Health Insurance	184,737.96	
	Retirement	104,769.76	
	Unemployment Compensation	2,200.00	
	Total Payroll Related Costs		413,835.09
	Benefit Replacement Pay (BRP)	4,107.44	
	Total BRP and Workers' Compensation		4,107.44
b. Indirect Costs			
	Bond Debt Service Payments	0.00	
	Total Indirect Costs		0.00
c. Indirect Costs - Statewide Cost Allocation Plan (based on FY13 data) - Full Cost Method			
	Building Depreciation	11,880.27	
	Equipment Depreciation	0.00	
	CPA Administration	0.00	
	CPA Fiscal and ITD	6,862.83	
	CPA Purchasing & Support (TPASS)	13,533.18	
	CPA Rebates	(397.09)	
	DIR	0.00	
	DIR Rollforward Adjustment	0.00	
	DPS Capitol Security	2,780.02	
	TFC Admin	0.00	
	TFC Planning & Asset Mgmt	12,969.41	
	TFC Fac Construction	(1,263.00)	
	Governor Budget & Planning	41.72	
	State Office of Risk Management	0.00	
	State Preservation Board	0.00	
	State Senate	0.00	
	Hse of Representatives	0.00	
	Legislative Council	0.00	
	Legislative Budget	0.00	
	Reference Library	0.00	
	Sunset Advisory Board	0.00	
	Total Indirect Costs - Statewide Cost Allocation Plan		46,407.34
	TOTAL INDIRECT COSTS	\$	<u><u>464,349.87</u></u>

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TEXAS COMMISSION ON FIRE PROTECTION (411)

SCHEDULE 4

PROFESSIONAL/CONSULTING FEES AND LEGAL SERVICE FEES

For the Fiscal Year Ended August 31, 2014

<u>NAME</u>	<u>CITY</u>	<u>SERVICE RENDERED</u>	<u>AMOUNT</u>
<u>PROFESSIONAL/CONSULTING FEES</u>			
Diane W. Fulmer, CPA	Round Rock	Accounting Services	\$ 4,842.00
Deborah Pedigo	Houston	Information Technology Svcs	6,621.60
Workers Assistance Program	Austin	Other Professional Services	628.32
University of Texas at Austin	Austin	Other Professional Services	709.00
Texas Workforce Commission	Austin	Accounting Services	2,339.25
Ziegner Technologies, Inc	Austin	Consultant Services-Computer	<u>1,126.35</u>
		Total Professional Fees	\$ <u>16,266.52</u>
<u>LEGAL SERVICE FEES</u>			
			\$ <u>0.00</u>
		Total Professional and Legal Fees	\$ <u><u>16,266.52</u></u>

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TEXAS COMMISSION ON FIRE PROTECTION (411)

SCHEDULE 5

SPACE OCCUPIED

For the Fiscal Year Ended August 31, 2014

<u>LOCATION</u>	<u>SQ. FT.</u>	<u>FTEs</u>	<u>COST PER SQ. FT.</u>	<u>COST PER MONTH</u>	<u>ANNUAL COST</u>	<u>LESSOR</u>
Headquarters:						
1701 N. Congress Ave. Ste 1-105 Austin, Texas Period 12/1/05-8/31/12	4,575	25	\$0.00	\$0.00	\$0.00	Space is a state owned building and is provided by TFC to TCFP at no cost.
Region Offices:						
Region 1 - Capitol Region Austin, Texas (512) 936-3830		1				Employee working from home
Region 2 Plains and West Texas (512) 944-3111		1				Employee working from home
Region 3 North Central Texas (512) 944-3113		1				Employee working from home
Region 4 Northeast Texas (512) 825-9640		1				Employee working from home
Region 5 East Central Texas (512) 944-3110		1				Employee working from home
Region 6 Houston and Galveston Area (512) 775-6561		1				Employee working from home
Region 7 South Texas and Rio Grande Valley (512) 944-3109		1				Employee working from home

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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 6
BONDED EMPLOYEES
For the Fiscal Year Ended August 31, 2014

No bond is required by the State Office of Risk Management.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

Organizational and General Comments

Function and Organization

The Texas Commission on Fire Protection is a state government agency, which regulates and assists the Texas fire service. The commission helps protect the lives and property of Texas citizens, through the development and enforcement of recognized professional standards for individuals and the fire service.

The Texas Commission on Fire Protection's main program areas include, fire service standards and certification and the fire protection resource library.

Fire service standards and certification functions include:

- regulates career and voluntarily regulated fire protection personnel, fire departments and training facilities.
- performs biennial inspections of fire departments, local government agencies providing fire protection, and institutions or facilities conducting training for fire protection personnel or recruits.
- establishes minimum requirements and evaluates courses for higher levels of fire protection personnel certification.
- establishes minimum curriculum requirements, evaluating courses, and administering examinations for certification as fire protection personnel.
- enforces standards for protective clothing and self-contained breathing apparatus (SCBA).
- administers a voluntary certification and regulation program for qualified individuals not connected with local governments or volunteer fire departments.
- administers a voluntary certification and regulation program for volunteer fire protection personnel, fire departments, and training facilities.
- enforces continuing education programs for all levels of fire protection personnel.
- administers the Ernest A. Emerson Fire Protection Resource Library.
- compiles information and data on fire protection personnel injuries and presents data to the commission to develop recommendations to reduce personnel injuries.
- tracks and analyzes complaint and violation data.

Ernest A. Emerson Fire Protection Resource Library

The commission's Ernest A. Emerson Fire Protection Resource Library is critical not only to the commission's work in setting standards to ensure the safety of the state's fire protection personnel, but also in providing a valuable resource for the commission's fire service constituents and the general public. It does this by providing resources for fire protection research and by providing educational materials to fire departments and other entities, individuals, and commission staff and committees.

The Emerson Library provides its patrons with quality training and research materials and services. With an up-to-date collection, in formats required by today's customers, the library will be the first stop for training officers or anyone else needing assistance with finding quality resources. The librarian on staff provides superior research and reference services to anyone with fire- or emergency-related questions or research projects. The librarian coordinates the dissemination of agency and library information with commission staff via the commission outreach team's communications and online initiatives.

Commission and Key Employees

The policy making body of the Texas Commission on Fire Protection is a 13-member board of commissioners appointed by the Governor and confirmed by the Senate. The members of the commission represent a broad spectrum of the Texas fire service:

- Two members are chief officers nominated by the Texas Fire Chiefs' Association. One of the fire chiefs must be the head of his or her fire department, and one must be employed by a political subdivision with a population of less than 100,000.
- Two members are paid fire protection personnel nominated by the Texas State Association of Fire Fighters. These fire fighters must hold a rank of battalion chief or below, and one must be employed by a political subdivision with a population of less than 100,000.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

- Two members are volunteer fire chiefs or volunteer fire protection personnel nominated by the State Firemen's and Fire Marshals' Association of Texas.
- One member is a certified fire protection engineer.
- One member is a certified arson investigator or certified fire protection inspector.
- One member is a fire protection instructor from an institution of higher education.
- Four are public members.

The Governor with the advice and consent of the Senate appoints commission members for staggered terms of six years with four members' terms expiring on February 1 of each odd-numbered year.

Serving on the commission as of August 31, 2014 were:

Name	City (Texas)	Term Expires
Steven C. Tull, Presiding Officer	Valley Mills	2015
Jody Gonzalez, Asst. Presiding Officer	Denton	2019
John Kelly Gillette, III, Secretary	Frisco	2017
Elroy Carson	Ransom Canyon	2017
Leonardo Perez	Brownsville	2019
Yusuf Elias Farran	El Paso	2015
Carl Gene Giles	Carthage	2015
John W. Green	San Leon	2017
John McMakin	LaRue	2019
Robert Moore	Bryan	2015
Pat Ekiss	Taylor	2017
Ronald Poynter	McKinney	2015
Vacant		

The commission is assisted in its policymaking responsibilities by an advisory committee established under Chapter 419 of the Texas Government Code, the fire fighter advisory committee. An additional advisory committee, the curriculum and testing committee, was created by the commission.

The fire fighter advisory committee consists of members who must be fire protection personnel or retired fire protection personnel who collectively represent various areas in the field of fire protection. Three members of the committee must be certified fire protection instructors of fire protection personnel. At least one member of the committee must be a volunteer fire fighter or volunteer fire chief. The committee periodically reviews commission rules relating to fire protection personnel, fire departments, and other fire fighters and fire fighting organizations and recommends changes in the rules to the commission.

The curriculum and testing committee was created and appointed by the commission to periodically review and recommend changes to the commission's curriculum and testing and training programs. Members of the curriculum and testing committee are nominated by the fire fighter advisory committee and are appointed by the commission.

Staff Structure and Business Processes

Under the direction of an Executive Director appointed by the commission, the staff of the Texas Commission on Fire Protection implements and enforces the commission's adopted rules. The agency is organized into six functional areas with a supervisor of each area reporting directly to the Executive Director along with the Executive Assistant and the Human Resources Manager. The functional areas are Certification & Professional Development, Compliance, Testing and Training Approval, Information Technology, Financial Services, and Public Information and Outreach.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

Key employees as of August 31, 2014 were:

<u>Name</u>	<u>Title</u>
Tim Rutland	Executive Director
Deborah Cowan	Executive Assistant
Mark Roughton	Public Information Officer
Alma Craig	Human Resource Manager
Lisa Gonzalez	Financial Services Manager
Paul Maldonado	Compliance Manager
Joyce Gunn	Testing & Training Approvals Manager
Sylvia Miller	Certification & Professional Development Manager
Mohammed Adams	Information Technology Team Leader

Agency Statutory Basis and Historical Perspective

The Texas Commission on Fire Protection Personnel Standards and Education was created in 1969 by the 61st Legislature. The authority for the commission was originally codified as Article 4413(35), V.T.C.S.

In 1991, Senate Bill 383 72(R) merged the Texas Commission on Fire Protection Personnel Standards and Education with the State Fire Marshal's Office and the Key Rate Section, which were administered by the Texas Department of Insurance. The legislation also assigned the Fire Department Emergency Board (formerly an adjunct of the State Fire Marshal's Office) to the expanded Texas Commission on Fire Protection. The functions of the Fire Department Emergency Board were authorized in 1989 under constitutional amendment House Joint Resolution 33. The emergency board was originally established under House Bill 708, 71st Legislature, to provide grants, loans and scholarships to fire departments for fire protection training, equipment and facilities. A study by the Texas Sunset Advisory Commission during the 72nd Legislative Session concluded that the commission should have additional authority in the form of a volunteer standards and certification program.

In 1993, Senate Bill 1110 73(R) revised several key areas in the commission's statutes. The bill delineated distinctions between volunteer, part-paid and full-paid fire departments and fire fighters, provided a "bridge" to allow volunteer fire fighters to become paid fire fighters, and required that entities providing fire protection to local governments for profit comply with commission regulations.

In 1997, during the 75th Legislative Session, the commission was subject to review by the Sunset Advisory Commission. Senate Bill 371, the commission's sunset legislation, revised the commission's scope considerably. Among the changes enacted was the return of the State Fire Marshal's Office to the Texas Department of Insurance. SB 371 also abolished the commission's authority to conduct key rate inspections, in response to the Texas Department of Insurance's 1997 repeal of the key rate system in Texas (TDI replaced the key rate system with the Insurance Services Office's *Fire Suppression Rating Schedule*). Additionally, SB 371 transferred the agency's engineering assistance program, which was designed to assist fire departments with the transition to the *Fire Suppression Rating Schedule*, to TDI. The commission's sunset legislation allowed the fire department emergency program to remain with the agency.

In 2001, Senate Bill 382 77(R) significantly refined several areas of the commission's statute relative to fire fighter safety. The bill addressed personal protective equipment and self-contained breathing apparatus, requiring departments to develop and maintain standard operating procedures covering the proper use, selection, care and maintenance of all protective clothing and self-contained breathing apparatus. The bill also required fire departments to provide all personnel with a personal alert safety system (PASS).

Additionally, the bill required departments to develop standard operating procedures, based upon National Fire Protection Association Standards (NFPA), implementing an incident management system, a personnel accountability system and addressing fire protection personnel operating at emergency incidents.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

In 2003, the 78th Legislature reduced the agency's budget approximately \$650,000 per year and reduced the agency's FTE count from 35 to 32.

In 2005, Senate Bill 879 79(R) deleted obsolete language and gave the commission the right to make non-substantive clerical changes to its rules without review by the fire fighter advisory committee. In addition, the bill added a requirement that all fire departments seeking funding from the Fire Department Emergency Program must routinely and consistently report incidents to the Texas Fire Incident Reporting System (TEXFIRS) and participate in the National Incident Management System (NIMS).

In 2007, HB 2484 80(R) amended the composition of the Funds Allocation Advisory Committee. The agency was also granted an increase of one additional full-time equivalent (FTE) position.

In 2009, SB 1011 81(R), the Texas Commission on Fire Protection's sunset legislation, extended the agency through 2021. The bill requires the agency to:

- Use alternative dispute resolution procedures to assist in the resolution of internal and external disputes under the agency's jurisdiction.
- Maintain a complaint tracking system.
- Use appropriate technological solutions to ensure that the public is able to interact with the agency on the Internet.
- Conduct fingerprint-based criminal history checks on all initial applications for certification.
- Conduct risk-based inspections of institutions and facilities providing training for fire protection personnel as well as fire departments that provide fire protection to local governments.
- Collect and track personnel injury data to reduce fire protection personnel injuries.
- Cooperate with federal and state entities when a disaster is declared in the state.

Also included in the bill was the transfer of the Fire Department Emergency Program and all funds appropriated for the program to the Texas Forest Service.

The 81st Legislature also passed HB 2854, relating to license plates created by the Texas Department of Transportation for professional fire fighters. The agency was nominated to receive the revenues for these license plates, serving as a "pass through" to the Texas Fire Fighter Relief and Scholarship Fund, which provides emergency relief and college scholarship funds to professional fire fighters and their dependents.

In 2011, the 82nd Legislature through its appropriation process made the Texas Commission on Fire Protection a self-funded agency. The agency now generates its funding primarily through revenue collected from examinations and certification fees.

In 2013, the 83rd Legislature filed HB 3660 which required the commission to conduct a study and prepare a report on administrative attachment to another state agency in order to reduce the costs associated with the commission; improve the provision of commission services; and lower the fees set and collected by the commission under Chapter 419, of the Texas Government Code. Although this legislation (HB 3660) ultimately did not pass, the commission is currently pursuing the possibility of conducting the study as if it had passed.

Miscellaneous Comments

There were no purchases made in accordance with Article 601b, Sec. 3.09, V.A.C.S., during the year to which State Purchasing took exception. There was no use of any state-owned aircraft during the year.